IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.674 OF 2005
WITH
CIVIL APPLICATION NO.1316 OF 2005
WITH
CIVIL APPLCIATION NO.775 OF 2005

LG Electronics India P.Ltd. ..Appellant.

V/s.

The Municipal Corpn. of the City of Thane & Anr. ..Respondents.

Mr.I.A.Engineer for appellant.

Mr.R.S.Apte for respondents.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 20, 2006.

P.C. :

1. Heard.

2. I see no reason to interfere with the interlocutory order passed by the court below on Exh.5. The court below has found that there was no prima facie evidence to the effect that vehicles of plaintiffs were obstructed by the officials of the corporation for non-payment of suit amount. No positive evidence has been produced even before this court to support that position. In the circumstances, no fault can be found with the decision of the court below in rejecting the application for interim

relief(Exh.5) filed by the appellant. Even while dismissing this appeal, it is made clear that in future, if the appellant produces concrete material before the trial court to support its plea that vehicles belonging to plaintiffs are being obstructed by the official of the corporation, it will be open to the appellant/plaintiff to take out appropriate application before the trial court supported by sufficient material to make good the plea taken in this application. Accordingly, appeal as well as applications disposed of on the above terms.

3. The application, if filed, will have to be considered on its own merits in accordance with the law. All questions therein are left open.